

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TENNESSEE

SNMP RESEARCH, INC. and SNMP)	
RESEARCH INTERNATIONAL, INC.,)	
Plaintiffs,)	
v.)	
)	Case No. 3:20-cv-451
Broadcom Inc.)	
Brocade Communications Systems LLC)	Jury Demanded
Extreme Networks, Inc.)	
)	
Defendants.)	

JOINT MOTION FOR NEW TRIAL DATE AND OTHER RELIEF

COME now all parties jointly, by and through counsel, and move this Honorable Court for a new trial date and new pretrial conference date in this matter and for other relief as this Court may deem appropriate. In support whereof, the parties would show this Court as follows:

1. On October 15, 2021, this Court entered a Scheduling Order in this matter. [Dkt. 106.]
2. Among other dates and deadlines, the Scheduling Order provides that the final pretrial conference is now set to occur on October 17, 2022, and the trial is set to occur on November 1, 2022, and is expected to last three weeks. *Id.*
3. Lead trial counsel for Plaintiffs SNMP Research, Inc. and SNMP Research International, Inc., Morgan Chu, has a conflict with these dates due to a federal court jury trial in another case that will begin on November 7, 2022, with a corresponding pretrial conference on October 28, 2022.
4. Counsel for Defendants Broadcom Inc. (“Broadcom”) and Brocade Communications Systems LLC (“Brocade”) also has a conflict with these dates due to a trial scheduled to

begin in another case on November 1, 2022, which is expected to take up most of the month of November 2022.

5. The parties have conferred and determined that the following trial dates are available for all counsel of record in this matter as well as their respective clients: January 31, 2023, February 7, 2023, and February 28, 2023.
6. The parties hereby jointly request that this Court move the trial of this case from November 1, 2022 to one of the foregoing three proposed dates on which all parties are available and that the Court also move the pretrial conference date in this case to a new date in accordance with the Court's standard schedule, or at a minimum after November 30, 2022, in order that lead counsel for all parties can attend the trial and the pretrial conference in this matter.
7. The parties submit that the interests of justice are served by, and no party is prejudiced by, the granting of the parties' request for a new trial date and a new pretrial conference date.
8. Should the Court see fit to grant the parties' joint request for a new trial date and a new pretrial conference date, Defendants Broadcom, Brocade, and Extreme Networks, Inc. also request that the remaining pretrial deadlines set by this Court's current Scheduling Order be adjusted to relate to the new trial date. Based on the timing set forth in current case schedule, the revised case schedules for each of the new proposed trial dates are provided below.

For the trial date of **January 31, 2023**, the new case deadlines would be:

Plaintiffs' Expert Testimony Disclosure Deadline	July 12, 2022
Defendants' Expert Testimony Disclosure Deadline	August 9, 2022
Deadline to file Final Witness List	August 23, 2022
Discovery Deadline	September 20, 2022
Deadline to make Pretrial Disclosures	December 13, 2022

Deadline to Amend Pleadings	July 12, 2022
Deadline to file Dispositive Motions	October 18, 2022
Deadline to file <i>Daubert</i> Motions	October 18, 2022
Deadline to file Motions in Limine	December 20, 2022
Special Requests to Instruct for Jury Trial	January 10, 2023
Final Pretrial Conference	January 16, 2023
Deadline to Disclose Courtroom Technology	January 16, 2023

For the trial date of **February 7, 2023**, the new case deadlines would be:

Plaintiffs' Expert Testimony Disclosure Deadline	July 19, 2022
Defendants' Expert Testimony Disclosure Deadline	August 16, 2022
Deadline to file Final Witness List	August 30, 2022
Discovery Deadline	September 27, 2022
Deadline to make Pretrial Disclosures	December 20, 2022
Deadline to Amend Pleadings	July 19, 2022
Deadline to file Dispositive Motions	October 25, 2022
Deadline to file <i>Daubert</i> Motions	October 25, 2022
Deadline to file Motions in Limine	December 27, 2022
Special Requests to Instruct for Jury Trial	January 17, 2023
Final Pretrial Conference	January 23, 2023
Deadline to Disclose Courtroom Technology	January 23, 2023

For the trial date of **February 28, 2023**, the new case deadlines would be:

Plaintiffs' Expert Testimony Disclosure Deadline	August 9, 2022
Defendants' Expert Testimony Disclosure Deadline	September 6, 2022
Deadline to file Final Witness List	September 20, 2022
Discovery Deadline	October 18, 2022
Deadline to make Pretrial Disclosures	January 10, 2023

Deadline to Amend Pleadings	August 9, 2022
Deadline to file Dispositive Motions	November 15, 2022
Deadline to file <i>Daubert</i> Motions	November 15, 2022
Deadline to file Motions in Limine	January 17, 2023
Special Requests to Instruct for Jury Trial	February 7, 2023
Final Pretrial Conference	February 13, 2023
Deadline to Disclose Courtroom Technology	February 13, 2023

9. In light of Plaintiffs' lead trial counsel's conflict, Plaintiffs' request to reschedule the trial and pretrial conference is not contingent on adjusting the remaining pretrial deadlines. That said, Plaintiffs do not oppose Defendants' request to adjust the remaining pretrial deadlines in accordance with this Court's standard schedule should this Court grant the parties' joint request to reschedule the trial and pretrial conference dates.

WHEREFORE, for the grounds as are stated herein, the parties hereto jointly ask this Court to move the trial date and pretrial conference date in this case from October 17, 2022, and November 1, 2022, respectively, to a future date that is convenient for all parties and their counsel; i.e., January 31, 2023, February 7, 2023, or February 28, 2023. Further, if this Court grants the parties' joint request and sets this case for trial on a new date, then the Court should also adjust all remaining pretrial deadlines to align with the new trial date and new pretrial conference date in accordance with this Court's standard schedule.

Respectfully submitted this 28th day of October 2021.

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